

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES
May 21, 2008

7:30 P.M.
Auditorium, Town Hall

Chairman Hillman called the meeting to order at 7:30 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Michael Tone, Pete Kenyon, Ellen Kirby, and Rick Rohr.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-27-2008, Mary Ann Morrison, 48 Raymond Street, proposing to raise an existing house and rebuild the foundation within the upland review area. The site is shown on Assessor's Map #36 as Lot # 105.

Mary Ann Morrison represented herself. She provided photos of flooding on her property. She said she is proposing to tear down one room of the house and raise the foundation and rebuild in the existing location.

Mr. Hillman asked how the work would be done. Steve Fornachiari, contractor, said the work would have to be done by hand.

Mr. Kenyon asked which portion of the house would be raised. Mr. Fornachiari showed the Commission on the plan.

Mr. Kenyon asked about the use of the shed. Mr. Morrison said it was storage for bikes and lawn equipment.

Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the first public hearing item:

EPC-10-2008, Gloria Gouveia, 25 Brookside Road, proposing a revision to an approved two lot subdivision to construct one new house within the upland review area. The site is shown on Assessor's Map #16 as Lot #66 (continued from May 7).

Gloria Gouveia, Land Use Consultants represented the applicant.

Mr. Hillman noted that the DVD and additional information was provided.

Ms. Cameron asked about the building process and a construction activity schedule and suggested it be made a condition of approval.

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Mr. Tone asked who regulates the crane and installation. Ms. Gouveia said it would require coordination with Police, Building, Zoning and EPC staff. Mr. Tone asked if the equipment could be located outside the regulated area. Ms. Gouveia said they would accept that as a stipulation.

Mr. Hillman asked if the permit could be a shorter time frame. Ms. Gouveia said that a subdivision requires a five year permit by State Statute.

Mr. Kenyon said the flood storage volume numbers don't add up. Ms. Gouveia will ask Larry Edwards to clarify the numbers.

Ms. Kirby asked about tree removal. Ms. Gouveia said that any trees not in good condition will be removed. Ms. Kirby said the leaf piles in the wetland should be removed. She asked that the patio for the existing house be shown on the plan.

The Commission continued the public hearing to June 4.

Mr. Hillman read the next public hearing item:

EPC-13-2008, Alex Kaali-Nagy, 129 Five Mile River Road, demolition of existing house, new house construction, and swimming pool construction, within an upland review area. The site is shown on Assessor's Map #67 as Lot #3B.

Mr. Kaali-Nagy represented himself.

Mr. Hillman asked about how many trees would be removed. Mr. Kaali-Nagy said 19. He said they are proposing native plantings and plantings along the property boundary. Mr. Hillman asked how many of the trees were in the swimming pool area. Mr. Kaali-Nagy said three. Mr. Hillman asked about the distance of the pool from the Five Mile River. Mr. Kaali-Nagy said 57 feet at the closest point. Mr. Hillman asked if there would be blasting required. Mr. Kaali-Nagy said not in the regulated area.

Mr. Hillman asked for a description of the runoff treatment system. Rob Frangione, P.E. said the primary reason for treatment is temperature abatement. They are not worried about detention on this site.

Ms. Cameron asked the percentage of impervious cover. Mr. Frangione said 26%.

Mr. Hillman asked if the pool would have a diatomaceous earth filter. Mr. Kaali-Nagy said yes. Mr. Kenyon asked if the pool only needed to be fenced on three sides. Mr. Frangione said it would be ok because it is on the water.

Mr. Tone asked about the construction activities in the regulated area. Mr. Frangione said they appeared to be letdown areas or borrow pits. He said the new construction was designed to minimize cuts. The pool is located with the deep end to minimize excavation.

Mr. Kenyon asked if they would be looking to replace the dock in the future. Mr. Kaali-Nagy said they would eventually like to replace it.

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Mr. Tone asked if they were anticipating a change to the concrete patio by the dock. Mr. Kaali-Nagy said no.

Mr. Hillman made a motion to close the public hearing. Ms. Cameron seconded the motion and it passed unanimously. The Commission proceeded to deliberate.

Ms. Cameron said she would like a stipulation that the pool be a diatomaceous earth type. She said the planting plan was good. She said the tree removal outside the regulated area was disappointing.

Mr. Hillman said he liked the water treatment plan. He said he would like to have a maintenance plan for the system.

Staff was requested to draft an approval resolution.

Mr. Hillman read the next public hearing item:

EPC-14-2008, Foster Kaali-Nagy, 125 Five Mile River Road, proposing new house construction and swimming pool construction within an upland review area. The site is shown on Assessor's Map # 67 as Lot #3A.

Mr. Foster Kaali-Nagy represented himself. He said they are planning on demolishing the existing structure and building farther away from the river. He said they provided a planting plan for the area below the pool as a buffer to the river.

Ms. Cameron asked about the closest point of the pool to the river. Mr. Kaali-Nagy said 35 to the pool equipment pad.

Peter Hillman asked for the same condition that the pool have a diatomaceous earth filter.

Mr. Frangione described the stormwater runoff system. He said it was a similar plan to #129 and is primarily for cooling runoff.

Ms. Cameron asked about the percent impervious coverage. Mr. Frangione said 26%.

Ms. Cameron made a motion to close the public hearing. Mr. Kenyon seconded the motion and it passed unanimously. The Commission proceeded to deliberate.

Mr. Hillman said the plan shows the applicant anticipated the Commission's concerns. He said the same conditions as the other application would apply.

Staff was requested to draft an approval resolution.

Mr. Hillman read the next public hearing items:

EPC-18-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 10), proposing an amendment to the Inland Wetlands and Watercourses Map, house demolition, and re-grading within 100 feet of Holly Pond. The site is shown on Assessor's Map #52 as Lot #9.

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EPC-19-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 11), proposing an amendment to the Inland Wetlands and Watercourses Map, house demolition, and new house construction within 100 feet of Holly Pond. The site is shown on Assessor's Map #52 as Lot #8.

Attorney Robert Maslan represented the Mr. and Mrs. Ross for both applications. He said there are two lots on Nickerson Lane which currently has one house across the property line. He said the court has determined that there are two lots. The current plan is to demolish the house and develop Lot 11. He said the soil report concluded there are no inland wetlands on the site. The survey elevations confirm the wetland boundary is below elevation 7.0. He said there are no activities adjacent to an inland wetland or watercourse.

Mr. Hillman asked for public comment on the map amendment and jurisdiction issue.

Attorney Wilder Gleason said the Commission has a history of asserting jurisdiction over Holly Pond. He said he would like an opportunity to respond to the wetland issue at a later date.

Mr. Hillman asked Todd Ritchie, P.E. to describe the proposed development. Mr. Ritchie said they prepared a storm water management plan which was supplemented with calculations.

Mr. Hillman asked if the house would have a basement. Mr. Ritchie said yes and the existing house has a basement.

Mr. Hillman asked about a landscape plan. Mr. Ritchie said a plan was prepared by Don Ferlow.

Mr. Kenyon asked about the driveway on Lot 10. Mr. Ritchie said it would be removed. Mr. Rohr asked that they amend the plan note to indicate that the driveway will be removed.

Mr. Hillman asked the size of the lot. Mr. Ritchie said just less than one acre.

Mr. Kenyon asked about the reference to an access ramp. Mr. Ross said there is a wooden ramp on Lot 11.

Mr. Hillman asked the applicant to identify the activities within 100 feet of Holly Pond. Mr. Maslan pointed out the 100 foot line on the map. He said the driveway at the closest point at Nickerson Lane is 30 feet. The hammerhead at the closest point is 20 feet. He said the house will be 45 feet from the edge of the garage which is the same as the existing pool. The pool terrace will be 75 feet away.

Mr. Hillman asked them to prepare a narrative including a comparison of new impervious surface with existing. Mr. Ritchie said the total now is 8385 sq. ft. but they will provide a comparison.

Ms. Cameron asked them to consider making the driveway smaller or pervious.

Mr. Kenyon suggested the Commission hire a soil scientist. The Commission discussed hiring Bill Kenny.

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Mr. Tone asked about the statement that runoff patterns will remain essentially the same and the meaning of "slight increase". Mr. Ritchie said they could provide the volume increase but controlling the increase is not required in coastal areas.

Mr. Hillman opened the meeting to public comment.

Mr. Wiggins, 14 Nickerson Lane said there is significant wildlife in Holly Pond. He asked the Commission to make sure the regulations are followed to protect Holly Pond.

Lisa Thoren, Outlook Drive, submitted photos of the property at high tide.

Attorney Wilder Gleason, representing Mr. and Mrs. van Dijk, said that his clients were opposed to the original subdivision. He said two lots were created with no public input. He said there is nothing in the record that the Rosses will live there. He said that the notice for only the map amendment was a technical defect. He said house plans should be provided. No request for activities within 100 feet of Holly Pond has been made. He said additional information is necessary including the square footage of the house, existing and proposed lawn and a landscape plan. He said no alternatives have been considered. They need to provide the amount of cutting and filling, a construction sequence, mitigation proposed, stormwater maintenance and a stipulation regarding mature trees in the Land Records.

Mr. Maslan said the CAM process includes all of the issues raised.

Ms. Cameron asked them to flag trees to be removed.

Mr. Hillman said the Commission will ask Town Counsel to review the jurisdictional issue.

Mr. van Dijk asked if there were additional materials in the file.

Mr. Hillman asked Mr. Maslan to review the information in the file.

The Commission continued the hearing to June 4.

Ms. Cameron made a motion to adjourn. Mr. Kenyon seconded the motion and it passed unanimously. The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer